

SENATE JOURNAL

EIGHTY-FOURTH LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

THIRTY-THIRD DAY
(Thursday, April 9, 2015)

The Senate met at 3:35 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Bettencourt, Birdwell, Burton, Campbell, Creighton, Ellis, Eltife, Estes, Fraser, Garcia, Hall, Hancock, Hinojosa, Huffines, Huffman, Kolkhorst, Lucio, Menéndez, Nelson, Nichols, Perry, Rodríguez, Schwertner, Seliger, L. Taylor, V. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

The President announced that a quorum of the Senate was present.

Senator Lucio offered the invocation as follows:

Heavenly Father, open our minds to understand the scriptures that we may fully comprehend the truth of Your word. Anoint us with Your power and give us joy and boldness to proclaim the gospel in word and deed. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

SENATE RULE 7.07(b) SUSPENDED
(Permission to Introduce)
(Motion In Writing)

Senator Whitmire submitted the following Motion In Writing:

Mr. President:

I move suspension of Senate Rule 7.07(b) to permit the introduction of the following bill: **SB 2041**.

WHITMIRE

The Motion In Writing was read and prevailed without objection.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time, and referred to the committees indicated:

SB 2030 by Seliger

Relating to the election date of the North Plains Groundwater Conservation District.
To Committee on Agriculture, Water, and Rural Affairs.

SB 2039 by Creighton

Relating to the creation of the Harris County Municipal Utility District No. 546; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
To Committee on Intergovernmental Relations.

SB 2040 by Creighton

Relating to the creation of the Harris County Municipal Utility District No. 544; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.
To Committee on Intergovernmental Relations.

SB 2041 by Seliger

Relating to the designation of a portion of State Highway 191 in Midland County as the Sergeant Michael Naylor Memorial Highway.
To Committee on Transportation.

SENATE BILL 1255 REREFERRED
(Motion In Writing)

Senator Birdwell submitted a Motion In Writing requesting that **SB 1255** be withdrawn from the Committee on Health and Human Services and rereferred to the Committee on Intergovernmental Relations.

The Motion In Writing was read and prevailed without objection.

CONCLUSION OF MORNING CALL

The President at 3:38 p.m. announced the conclusion of morning call.

COMMITTEE SUBSTITUTE
SENATE BILL 10 ON THIRD READING

Senator Huffman moved to suspend the regular order of business to take up for consideration **CSSB 10** at this time on its third reading and final passage:

CSSB 10, Relating to the investigation and prosecution of offenses against public administration, including ethics offenses, and offenses involving insurance fraud or the imposition of the motor fuels tax.

The motion prevailed by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Eltife, Estes, Fraser, Hall, Hancock, Huffines, Huffman, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, L. Taylor, V. Taylor.

Nays: Ellis, Garcia, Hinojosa, Lucio, Menéndez, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

The bill was read third time.

Senator Estes offered the following amendment to the bill:

Floor Amendment No. 1 on Third Reading

Amend Second Reading Amendment No. 1 by Huffman to **CSSB 10** on third reading, in SECTION 2 of the bill, in added Section 41.352, Government Code, as follows:

(1) Strike "comptroller may" and substitute "comptroller shall".

(2) Between "section" and "amounts" insert ", from appropriations made specifically for enforcement of this section, reasonable".

The amendment to **CSSB 10** was read and was adopted without objection.

All Members are deemed to have voted "Yea" on the adoption of Floor Amendment No. 1 on Third Reading.

On motion of Senator Huffman and by unanimous consent, the caption was again amended to conform to the body of the bill as amended.

CSSB 10 as again amended was finally passed by the following vote: Yeas 20, Nays 11.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Eltife, Estes, Fraser, Hall, Hancock, Huffines, Huffman, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, L. Taylor, V. Taylor.

Nays: Ellis, Garcia, Hinojosa, Lucio, Menéndez, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

SENATE BILL 408 ON THIRD READING

Senator Rodríguez moved to suspend the regular order of business to take up for consideration **SB 408** at this time on its third reading and final passage:

SB 408, Relating to consideration of a bidder's principal place of business in awarding certain county contracts.

The motion prevailed by the following vote: Yeas 21, Nays 10.

Yeas: Bettencourt, Birdwell, Campbell, Ellis, Eltife, Estes, Garcia, Hinojosa, Huffman, Lucio, Menéndez, Nelson, Nichols, Rodríguez, Seliger, L. Taylor, Uresti, Watson, West, Whitmire, Zaffirini.

Nays: Burton, Creighton, Fraser, Hall, Hancock, Huffines, Kolkhorst, Perry, Schwertner, V. Taylor.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 10. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 9 ON THIRD READING**

Senator Hancock moved to suspend the regular order of business to take up for consideration **CSSB 9** at this time on its third reading and final passage:

CSSB 9, Relating to the constitutional limit on the rate of growth of appropriations.

The motion prevailed by the following vote: Yeas 19, Nays 12.

Yeas: Bettencourt, Birdwell, Burton, Campbell, Creighton, Estes, Fraser, Hall, Hancock, Huffines, Huffman, Kolkhorst, Nelson, Nichols, Perry, Schwertner, Seliger, L. Taylor, V. Taylor.

Nays: Ellis, Eltife, Garcia, Hinojosa, Lucio, Menéndez, Rodríguez, Uresti, Watson, West, Whitmire, Zaffirini.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 12. (Same as previous roll call)

**SENATE RULES SUSPENDED
(Posting Rules)**

On motion of Senator Creighton and by unanimous consent, Senate Rule 11.10(a) and Senate Rule 11.18(a) were suspended in order that the Committee on Business and Commerce might meet today.

CO-AUTHOR OF SENATE BILL 9

On motion of Senator Hancock, Senator L. Taylor will be shown as Co-author of **SB 9**.

CO-AUTHOR OF SENATE BILL 53

On motion of Senator Nelson, Senator Bettencourt will be shown as Co-author of **SB 53**.

CO-AUTHOR OF SENATE BILL 55

On motion of Senator Nelson, Senator Hinojosa will be shown as Co-author of **SB 55**.

CO-AUTHOR OF SENATE BILL 332

On motion of Senator Schwertner, Senator Lucio will be shown as Co-author of **SB 332**.

CO-AUTHOR OF SENATE BILL 344

On motion of Senator Huffman, Senator Creighton will be shown as Co-author of **SB 344**.

CO-AUTHOR OF SENATE BILL 393

On motion of Senator Burton, Senator Creighton will be shown as Co-author of **SB 393**.

CO-AUTHORS OF SENATE BILL 474

On motion of Senator Kolkhorst, Senators Burton and Huffines will be shown as Co-authors of **SB 474**.

CO-AUTHOR OF SENATE BILL 481

On motion of Senator Hancock, Senator West will be shown as Co-author of **SB 481**.

CO-AUTHORS OF SENATE BILL 523

On motion of Senator Birdwell, Senators Bettencourt, Creighton, and Uresti will be shown as Co-authors of **SB 523**.

CO-AUTHOR OF SENATE BILL 554

On motion of Senator Hancock, Senator Bettencourt will be shown as Co-author of **SB 554**.

CO-AUTHORS OF SENATE BILL 621

On motion of Senator Estes, Senators Burton, Ellis, Hall, Hinojosa, Lucio, Seliger, West, and Whitmire will be shown as Co-authors of **SB 621**.

CO-AUTHOR OF SENATE BILL 660

On motion of Senator Rodríguez, Senator Bettencourt will be shown as Co-author of **SB 660**.

CO-AUTHORS OF SENATE BILL 694

On motion of Senator Bettencourt, Senators Birdwell, Menéndez, and Zaffirini will be shown as Co-authors of **SB 694**.

CO-AUTHOR OF SENATE BILL 714

On motion of Senator Hall, Senator Campbell will be shown as Co-author of **SB 714**.

CO-AUTHOR OF SENATE BILL 807

On motion of Senator Campbell, Senator Menéndez will be shown as Co-author of **SB 807**.

CO-AUTHOR OF SENATE BILL 853

On motion of Senator Kolkhorst, Senator Bettencourt will be shown as Co-author of **SB 853**.

CO-AUTHOR OF SENATE BILL 870

On motion of Senator Ellis, Senator V. Taylor will be shown as Co-author of **SB 870**.

CO-AUTHOR OF SENATE BILL 911

On motion of Senator Zaffirini, Senator Hinojosa will be shown as Co-author of **SB 911**.

CO-AUTHOR OF SENATE BILL 914

On motion of Senator Kolkhorst, Senator Schwertner will be shown as Co-author of **SB 914**.

CO-AUTHOR OF SENATE BILL 1135

On motion of Senator Garcia, Senator Menéndez will be shown as Co-author of **SB 1135**.

CO-AUTHORS OF SENATE BILL 1172

On motion of Senator Nichols, Senators Hall and V. Taylor will be shown as Co-authors of **SB 1172**.

CO-AUTHORS OF SENATE BILL 1191

On motion of Senator Seliger, Senators Hinojosa and Zaffirini will be shown as Co-authors of **SB 1191**.

CO-AUTHOR OF SENATE BILL 1307

On motion of Senator Menéndez, Senator Campbell will be shown as Co-author of **SB 1307**.

CO-AUTHOR OF SENATE BILL 1339

On motion of Senator Perry, Senator Zaffirini will be shown as Co-author of **SB 1339**.

CO-AUTHOR OF SENATE BILL 1364

On motion of Senator Kolkhorst, Senator Bettencourt will be shown as Co-author of **SB 1364**.

CO-AUTHOR OF SENATE BILL 1466

On motion of Senator Watson, Senator Hinojosa will be shown as Co-author of **SB 1466**.

CO-AUTHOR OF SENATE BILL 1657

On motion of Senator Watson, Senator Bettencourt will be shown as Co-author of **SB 1657**.

CO-AUTHORS OF SENATE BILL 1664

On motion of Senator Perry, Senators Schwertner and Watson will be shown as Co-authors of **SB 1664**.

CO-AUTHOR OF SENATE BILL 1712

On motion of Senator Campbell, Senator V. Taylor will be shown as Co-author of **SB 1712**.

CO-AUTHOR OF SENATE BILL 1879

On motion of Senator Zaffirini, Senator Campbell will be shown as Co-author of **SB 1879**.

CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 24

On motion of Senator L. Taylor, Senators Birdwell and Nelson will be shown as Co-authors of **SCR 24**.

CO-AUTHORS OF SENATE CONCURRENT RESOLUTION 28

On motion of Senator Lucio, Senators Menéndez and Nelson will be shown as Co-authors of **SCR 28**.

CO-AUTHORS OF SENATE RESOLUTION 428

On motion of Senator Nelson, Senators Bettencourt, Birdwell, Burton, Campbell, Creighton, Eltife, Estes, Fraser, Hall, Hancock, Huffines, Huffman, Kolkhorst, Nichols, Perry, Schwertner, Seliger, L. Taylor, and V. Taylor will be shown as Co-authors of **SR 428**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Congratulatory Resolutions

SR 500 by Ellis, Recognizing the Houston Department of Health and Human Services for receiving national accreditation.

SR 510 by Zaffirini, Recognizing the Muy Grande Deer Contest on the occasion of its 50th anniversary.

SR 526 by Lucio, Recognizing the First Baptist School in Brownsville on the occasion of its 60th anniversary.

SR 527 by Hinojosa, Congratulating the South Texas College Dual Enrollment Academies program on being named a 2014 Examples of *Excelencia* finalist.

SR 528 by West, Recognizing the Dallas County Sheriff's Department on the occasion of National Correctional Officers and Employees Week.

SR 529 by Menéndez, Recognizing J. Bruce Bugg Jr. for his service to this state.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 3:52 p.m. adjourned, in memory of T. J. Mills, Oralia Villareal, former Secretary of the Senate Betty King, and former Senators Charles Galloway Calhoun, Jr., Ray Farabee, Jack Hightower, Grant Jones, Bob McFarland, Johnnie B. Rogers, and Pete Snelson, until 2:00 p.m. Monday, April 13, 2015.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

April 9, 2015

FINANCE — **CSHB 1**

HEALTH AND HUMAN SERVICES — **CSSB 949, CSSB 785, SB 914, SB 1324**

ADMINISTRATION — **SB 1296** (Amended)

HIGHER EDUCATION — **SB 42, SB 685, SB 691**

FINANCE — **CSSB 1985, CSSB 683, CSSB 624, SB 918, CSSB 881**

HEALTH AND HUMAN SERVICES — **CSSB 1507, CSSB 1753**

NATURAL RESOURCES AND ECONOMIC DEVELOPMENT — **CSSB 458, CSSB 1589, CSSB 100**

TRANSPORTATION — **SJR 17, SB 1451**

BUSINESS AND COMMERCE — **CSSB 337, CSSB 1344**

HEALTH AND HUMAN SERVICES — **CSSB 354**

BUSINESS AND COMMERCE — **CSSB 788, CSSB 336, CSSB 335, CSSB 1093, CSSB 953, CSSB 1654, CSSB 802, CSSB 1196, CSSB 1455, CSSB 1008**

TRANSPORTATION — **CSSB 678, CSSB 1308**

RESOLUTIONS ENROLLED

April 8, 2015

SR 468, SR 486, SR 499, SR 506, SR 507, SR 518, SR 519, SR 520, SR 521, SR 522, SR 523, SR 524, SR 525